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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 TYREE COUTEE,	)	CASE NO. ED CV 08-00692 CAS (RZ)
	)	
12 Petitioner,	)	
	)	JUDGMENT
13 vs.	)	
	)	
14 JAMES WALKER, WARDEN,	)	
	)	
15 Respondent.	)	
16 _____	)	

17 This matter came before the Court on the Petition of TYREE COUTEE, for  
18 a writ of habeas corpus. Having reviewed the Petition and supporting papers, and having  
19 accepted the findings and recommendation of the United States Magistrate Judge,

20 IT IS ORDERED AND ADJUDGED that (a) the Petition for Writ of Habeas  
21 Corpus is granted solely as to Claim 2 and denied otherwise; (b) this matter is remanded  
22 to the state trial court for the resentencing of Petitioner in a manner consistent with the  
23 Report And Recommendation; and (3) Petitioner shall be released from custody to the  
24 extent that he is confined solely on the basis of the gang enhancement conviction targeted  
25 in Claim 2, *if and only if*, within 120 days of the conclusion of this case, including appeal,

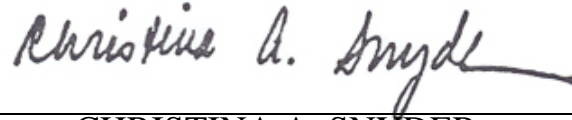
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1 the State does not resentence Petitioner in a manner consistent with the Report And  
2 Recommendation.

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4 DATED: 1/7/10

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7 CHRISTINA A. SNYDER  
8 UNITED STATES DISTRICT JUDGE  
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